

Application Serial No. 10/667,476
Attorney Docket No. 200206260-1
(HDP# 6215-000113/US)

REMARKS

Claims 1-2, 4-18 and 20-33 are pending. Of those, claims 1, 15, 18, 25, 30 and 33 are independent.

By this reply, claims 3 and 19 have been canceled without prejudice to or disclaimer of the subject matter contained therein.

Claim Objections

Beginning on page 2 of the Office Action, claims 5, 6, 9, 12 and 20 are objected to since they contain trademark/trade name XML format and JAVA class.

The Extensible Markup Language (XML) is a W3C-recommended general-purpose markup language.¹ It is submitted that the skilled artisan would have recognized XML as the acronym for the Extensible Markup Language. In this context, XML is not a registered trademark. Applicants cannot find a registered trademark for XML related to mark-up languages.² The skilled artisan would have understood that Applicants have not relied upon a trademark in the respective claims to define the scope of protection being sought. As such, the rejection is improper.

Claims 7 and 12 have been amended to delete use of the term JAVA.

In view of the foregoing discussion, withdrawal of the rejection is requested.

§ 101 REJECTION

Beginning on page 2 of the Office Action, claims 18 and 25 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants traverse.

More particularly, claims 18 and 25 are rejected (see p. 3 of the Office Action) as non-statutory because: "The functional steps can be a defined mental operation and can be done by a person." This is improper, e.g., according to Annex III (Improper Tests For

¹ This is the definition in the Wikipedia at the URL: <http://en.wikipedia.org/wiki/XML>.

² Registration number 78207916 exists in the USPTO on-line (URL = <http://tess2.uspto.gov/bin/gate.exe?f=tess&state=kqk7uh.1.1>) for the mark XML, but the description of the goods associated therewith is "firearms and accessories for firearms, namely lights and light holders."

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Subject Matter Eligibility) of the USPTO's recently published "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility,"³ which states (underlined emphasis added):

Therefore the following tests are not to be applied by examiners in determining whether the claimed invention is patent eligible subject matter:

- (A) "not in the technological arts" test
- (B) Freeman-Walter-Abele test
- (C) mental step or human step tests
- (D) ...

More particularly as to claims 1 and 15, the Examiner asserts that "since the media includes intangible embodiments (signals with or without carrier wave(s)), the claims 1 and 15 are not statutory as detailed in M.P.E.P. 2106." Applicants traverse. The Examiner has not come close to meeting his burden of making a *prima facie* showing of how claims 1 and 15 are assertedly directed to non-statutory subject matter.

MPEP § 2106 is 19 pages long. Where, in particular, does this section detail how claims 1 and 15 are non-statutory? Applicants are not aware of any caselaw by which the claims would be considered non-statutory. On what caselaw is the Examiner relying? How are the facts of such caselaw analogous to claims 1 and 15? It is interesting to note that the nowhere does the recently released Interim Guidelines (noted above) mention the word "intangible." If so, then how can "intangible embodiments" be a basis upon which the Examiner asserts that claims 1 and 15 are improper? Applicants challenge the Examiner to cure the defects in the rejection, or else withdraw it.

In view of the foregoing, the § 101 rejections are improper and withdrawal is requested.

§ 102 REJECTION

Beginning on page 3 of the Office Action, claims 1-33 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent application Pre-Grant Publication ("PGPub") No. 2005/0015439 A1) (hereinafter "the '439 PGPub"). Applicants traverse.

The '439 PGPub teaches a liaison system facilitates legacy software communicating with other legacy software and/or modern software for the purposes of exchanging data; see

³ See p. 42. See also pp. 46-47. URL =
http://www.uspto.gov/web/offices/pac/dapp/opla/prenotice/guidelines101_20051026.pdf.

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paragraphs [0002]-[0003]. The '439 PGPub is totally silent as to localization. As evidence, it is submitted that a search of the '439 PGPub for the text string "local" yields no hits.

A distinction of amended claim 1 over the '439 PGPub is a transformation module to generate at least one localized information unit. Claims 2 and 4-14 depend at least indirectly from claim 1 and thus at least similarly distinguish over the '439 PGPub, respectively.

Amended independent claims 18 and 30 recite similar features to claim 1 and thus similarly distinguish over the '439 PGPub, respectively. Claims 20-24, 26-27 and 31-32 depend at least indirectly from claims 18 and 30 and thus at least similarly distinguish over the '439 PGPub, respectively.

A distinction of independent claim 15 over the '439 PGPub is a transformation module for processing the plurality of localizable parameters into an XML string. Claims 16-17 depend from claim 15 and thus at least similarly distinguish over the '439 PGPub, respectively.

Independent claims 25 and 33 recite similar features to claim 15 and thus similarly distinguish over the '439 PGPub, respectively. Claims 28-29 depend from claim 25 and thus at least similarly distinguish over the '439 PGPub, respectively.

Claims 3 and 19 have been canceled, rendering moot their rejection.

In view of the foregoing discussion, the § 102(e) is improper. Accordingly, withdrawal of this rejection is requested.

CONCLUSION

The issues raised in the Office Action are considered resolved. Accordingly, Applicants once again request a Notice of Allowability.

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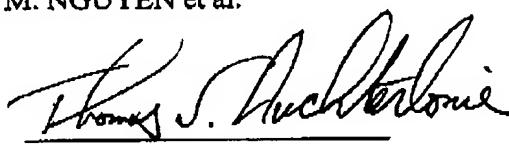
In the event that any matters remain at issue in the application, the Examiners are invited to contact the undersigned for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-2025 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

submitted,

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